



**Town of Ipswich Finance Committee  
Warrant for the Special Town Meeting**

**Saturday, October 17, 2020  
9:00 AM**

**Please bring this report to Town Meeting**

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September 29, 2020

To the Citizens of Ipswich:

The Finance Committee is pleased to present this report for the Special Town Meeting on October 17, 2020. This Warrant contains Articles which amend the Municipal and School Budgets for the current fiscal year and Articles that impact planning, zoning, capital projects and other concerns important to the Town. In addition to the Warrant Articles and recommendations, you will also find the following:

- Appendix A: An overview of the Strategic Planning Working Group's findings. This work will be taken up by the TriBoard on October 22, 2020 in public session; we urge your active participation in this process.
- Appendix B: The process by which you can calculate the tax impact of each article.
- Appendix C: The Town of Ipswich Moderator's Guide for Town Meeting.

With so much important business before the Town, we urge you to join us on Saturday Morning, October 17, 2020 in the Tent or your car, behind the Ipswich High School to consider each article, ask questions and vote your preferences.

Respectfully submitted,

Janice Clements-Skelton, Chair, Town of Ipswich Finance Committee

Michael Dougherty, Vice Chair  
Joseph Bourque

Christopher Doucette  
Jamie M. Fay

Timothy W. Goodrich  
Walter Hartford

Michael Schaff  
Robert White

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#### **ARTICLE 1 – Stabilization Funding**

Submitted by: Select Board

To see if the Town will vote to transfer the sum of \$100,000 from Free Cash to the Stabilization Fund or take any other action relative thereto.

**Select Board Recommends: 5-0**  
**Finance Committee Recommends: 9-0**

**MOTION: I move to transfer the sum of \$100,000 from Free Cash to the Stabilization Fund.**

**This article requires a simple majority vote.**

**FinCom Synopsis:** The movement of unused monies to the Stabilization Fund, is an annual practice and sound fiscal policy allowing us to reserve funds from the prior year for future use.

**Fiscal Impact:** If passed, these funds will be moved from Free Cash to the Stabilization Fund rather than certified as part of the FY20 Free Cash. In the spring Annual Town Meeting, monies were used from the stabilization fund for various items, this article replaces some of those funds from Free Cash. This article will not raise the FY20 tax rate of \$14.02 per thousand.

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**ARTICLE 2 – Capital Plan**Submitted by: Select Board and School Committee

To see if the Town will vote to transfer from Free Cash the sum of \$460,590 for the following purposes, and that any remaining funds be transferred to the Capital Stabilization Fund:

**SCHOOLS:**

Flooring & Carpet (District)	\$24,000
Interior Exterior Painting (District)	\$15,000
HVAC – Advance Control Sequencing (MS/HS)	\$46,000
Paint MS/HS Interior & Exterior	\$20,000
Locker Room	\$80,000

**BUILDINGS:**

DPW Garage Remodel Break Rm/Bathroom	\$15,000
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**EQUIPMENT:**

PW-58 Backhoe	\$136,090
FY25 E1 Truck Replacement Matching Funds	\$50,000
Fire Pick Up Truck (Replacement)	\$34,500
Administrative Vehicle – Police XO	\$40,000
Or to take any action relative thereto.	

**Select Board Recommends: 5-0****Finance Committee Recommends: 9-0****School Committee Recommends: 7-0**

**MOTION:** I move to transfer the sum of \$460,590 from Free Cash to be expended as detailed in Article Two of the Warrant for this Town Meeting.

**This article requires a simple majority vote.**

**FinCom Synopsis:** In the spring Annual Town Meeting, the capital plan was reduced to account for the uncertainty created by the pandemic on town revenues, while there is still some uncertainty, revenues have come in on target. This article restores funding to some of the higher priority items that were cut.

**Fiscal Impact:** If passed, these funds will be used for the above capital purposes rather than certified as part of the FY20 Free Cash. This article will not raise the FY20 tax rate of \$14.02 per thousand.

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**ARTICLE 3 – Amend FY21 School Budget**Submitted by: School Committee

To see if the Town will vote to amend Article 4 of the June 27, 2020 Annual Town Meeting to the following: To transfer \$125,000 from the Overlay Surplus account; to transfer \$1,169,589 from the Education Stabilization Fund; and to raise and appropriate the sum of \$30,724,488 for a total of \$32,019,077 to fund the FY2021 School Budget.

**Select Board Recommends: 5-0****Finance Committee Recommends: 9-0****School Committee Recommends: 7-0**

**MOTION:** I move to amend the action taken under Article 4 of the June 27, 2020 Annual Town Meeting to the following: To transfer \$125,000 from the Overlay Surplus account; to transfer \$1,169,589 from the Education Stabilization Fund; and to raise and appropriate the sum of \$30,724,488 for a total of \$32,019,077 to fund the FY2021 School Budget as set forth in Article Three of the warrant for this Town Meeting.

This article requires a 2/3<sup>rd</sup> majority vote.

**FinCom Synopsis:** The spring Annual Town Meeting approved the schools' combined budget of \$32,019,077, however, Article 4 of that meeting failed to indicate that \$125,000 of the total amount would come from the Overlay Surplus Account. This article corrects that omission and does not increase or decrease the previously approved budget amounts.

**Fiscal Impact:** If passed, this article reduces the amount that was raised and appropriated last Spring. The \$125,000 transfer from Overlay reduces the tax bill by a reduction of \$20.41 to a tax bill of a \$500,000 home. This does not reduce the total amount budgeted for the schools.

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#### ARTICLE 4 - Adult Use Marijuana

Submitted by: Planning Board

"To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows:  
(~~strike through~~ = language to be deleted; ***bold italics*** = new language)

##### 1. Amend Section III. DEFINITIONS as follows:

Insert the following definitions in the correct alphabetical order:

***"Cannabis Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not exempt from zoning. Note this term is not defined in 935 CMR 500.***

***Marijuana or Marihuana or Cannabis: All parts of any plant of the genus Cannabis, not exempted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant; its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, subsection 1; provided that cannabis shall not include:***

- (a) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;***
- (b) Hemp; or***
- (c) The weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.***

***Marijuana or Cannabis Products:*** Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

***Marijuana Establishment Ceases to Operate:*** Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

***Cannabis Control Commission:*** The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, subsection 76, or its designee. The Commission has the authority to implement the state marijuana laws, which include but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G and 935 CMR 500.000.

***Community Marijuana Establishment Host Agreement:*** An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and up to a 3% host agreement revenue sharing. Note that this term is not defined in 935 CMR 500.

***Craft Marijuana Cooperative:*** A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments but not to consumers.

***Hemp:*** The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

***Marijuana Establishment Host Community:*** A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

***Marijuana Independent Testing Laboratory:*** A laboratory that is licensed by the Commission and is:

- (a)*** Accredited to the International Organization for Standardization 17025 (ISO.IEC 17025:2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b)*** Independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- (c)*** Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, subsection 34.

***Marijuana Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.***

***Marijuana Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.***

***Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.***

***Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.***

***Marijuana Microbusiness: A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.***

***Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.***

***Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.***

***Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.***

***Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers, and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.***

***Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an existing Licensee Transporter or Third Party Transporter.***  
***Marijuana Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.***

***Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.***

2. Modify Table of Uses as shown below:

TABLE OF USE REGULATIONS (continued)										
PRINCIPAL USE	DISTRICT									
Commercial (continued)	RRA <sup>16</sup>	RRB <sup>16</sup>	RRC <sup>16</sup>	IR <sup>16</sup>	GB <sup>16</sup>	CB <sup>16</sup>	HB <sup>16</sup>	PC <sup>16</sup>	I <sup>16</sup>	LI <sup>16</sup>
Solar Energy Collection Apparatus	SPB <sup>17</sup> , 36	SPB <sup>17</sup> , 36	SPB <sup>17</sup> , 36	SPB <sup>17</sup> , 36	SPB <sup>17</sup> , 36	SPB <sup>17</sup> , 36	SPB <sup>17</sup> , 36	SPB <sup>17</sup> , 36	P <sup>17,3</sup> , 6	SPB <sup>17</sup> , 36
<b><i>Craft Marijuana Cooperative</i></b>	-	-	-	-	-	-	-	-	-	-
<b><i>Marijuana Cultivator</i></b>	-	-	-	-	-	-	-	SPB <sup>40</sup>	-	SPB <sup>40</sup>
<b><i>Marijuana Product Manufacturer</i></b>	-	-	-	-	-	-	-	SPB <sup>40</sup>	-	SPB <sup>40</sup>
<b><i>Marijuana Retailer</i></b>	-	-	-	-	-	-	-	-	-	-
<b><i>Marijuana Independent Testing Laboratory</i></b>	-	-	-	-	-	-	-	SPB <sup>40</sup>	-	SPB <sup>40</sup>
<b><i>Retail marijuana establishment</i></b>	-	-	-	-	-	-	-	-	-	-
<b><i>Marijuana Microbusiness</i></b>	-	-	-	-	-	-	-	SPB <sup>40</sup>	-	SPB <sup>40</sup>
<b><i>Marijuana Research Facility</i></b>	-	-	-	-	-	-	-	SPB <sup>40</sup>	-	SPB <sup>40</sup>
<b><i>Marijuana Transporter</i></b>	-	-	-	-	-	-	-	SPB <sup>40</sup>	-	SPB <sup>40</sup>
<b><i>Any type of licensed marijuana- related business not included in this Table, except retail sales and a registered marijuana dispensary</i></b>	-	-	-	-	-	-	-	SPB <sup>40</sup>	-	SPB <sup>40</sup>



And add a footnote, #40, to the Table of Uses, which reads: **40. Subject to the requirements of IX.T of this zoning bylaw.**

**1. Add Section T: Adult-use Marijuana Establishments**

**1. Purpose:**

*Ipswich recognizes that the nature of the substance cultivated, processed, and/or sold by Marijuana Establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety and general wellbeing of the public. Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 105 CMR 725.000, Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation and product manufacturing for non-medical adult marijuana use in a manner that complies with state regulations. This subsection shall in no way authorize retail sales of adult use marijuana, which is prohibited in Ipswich.*

**2. Applicability**

*Nothing in this section shall be construed to supersede federal and state laws governing the distribution of marijuana. Adult use marijuana retail sales are expressly prohibited in Ipswich. This section shall not be construed to prevent conversion of a registered marijuana dispensary licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such Registered Marijuana Dispensary obtains a special permit pursuant to this section for any such conversion to an adult use Marijuana Establishment.*

*This section does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.*

**3. Additional Requirements and Conditions**

*In addition to the standard requirements for uses permitted by right or requiring a special permit or site plan approval, the following requirements and conditions shall also apply to all Marijuana Establishments:*

**a. Use:**

- i. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.*
- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.*
- iii. The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Establishment be open to the public, and no distribution of marijuana shall occur upon the premises or via delivery from the premise between the hours of 8:00 p.m. and 8:00 a.m.*
- iv. No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including but not limited to its Final License from the Cannabis Control Commission.*

**b. Physical Requirements**

- i. All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure without express Planning Board approval.*
- ii. No outside storage is permitted.*
- iii. Ventilation: all Marijuana Establishments shall be ventilated in such a manner that (a) no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and (b) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment.*
- iv. Sign(s) shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text at least 2 inches in height. All other signs must comply with all other applicable regulations in this Zoning Bylaw and 935 CMR 500.*
- v. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.*
- vi. Marijuana Establishments shall be contained within buildings or structures having a gross floor area of not less than five thousand (5,000) sq. ft. and not more than twenty-five thousand (25,000) square feet.*

**c. Location:**

- i. No Marijuana Establishment shall be located on a parcel that is within seven hundred and fifty (750) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12, or another Marijuana Establishment.*
- ii. No Marijuana Establishment shall be located inside a building containing residential uses, including commercial residential uses such as hotels, motels, lodging houses, dormitories, etc.*
- iii. No marijuana establishment is permitted to utilize or provide a drive-through service.*

**d. Reporting Requirements:**

- i. Prior to the commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Public Health Department, Police Department, Fire Department, Building Inspector and Planning Board with the names, phone numbers and email addresses of all management staff and key-holders, including*

*a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the facility. All such contact information shall be updated as needed to keep it current and accurate.*

- ii. The local Building Inspector, Public Health Department, Police Department, Fire Department and Planning Board shall be notified in writing by the Marijuana Establishment owner, operator or manager a minimum of 30 days prior to any change in ownership or management of the establishment and a minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.*
- iii. Marijuana Establishments shall file an annual written report to the Planning Board and Town Clerk no later than January 31 of each calendar year, providing a copy of all current applicable state licenses for the establishment and/or its owners, demonstrating continued compliance with the conditions of the special permit.*
- iv. The owners or manager of a Marijuana Establishment is required to respond by phone or email within 24 hours of contact by a Town official concerning their establishment at the phone number or email address provided to the Town as the contact for the establishment.*

***e. Issuance/Transfer/Discontinuance of Use***

- i. Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment owner.*
- ii. Special Permits/Site Plan Review Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.*
- iii. Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or to another site/parcel.*
- iv. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment and shall lapse/expire if: (a) the Marijuana Establishment ceases operation for 365 days, and/or (b) the Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.*
- v. The Marijuana Establishment shall notify the Building Inspector and Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.*
- vi. A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.*
- vii. Prior to the issuance of a building permit for a Marijuana Establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the Town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of authorizing such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days' written notice, said bond shall be returned to the applicant.*

#### **4. Application Requirements**

*In addition to the standard application requirements for special permits and site plan review, applications for a Marijuana Establishment shall include the following:*

- a. The name and address of each owner and operator of the Marijuana Establishment.*
- b. A copy of approved Host Agreement, if one exists.*
- c. A copy of the Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.*
- d. If the Marijuana Establishment will operate in conjunction with an approved RMD, a copy of the registration as an RMD from the Massachusetts Department of Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.*
- e. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.*
- f. Evidence that the applicant has site control and a right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sale agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.*
- g. A notarized statement signed by the Marijuana Establishment's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons.*
- h. In addition to what is normally required in a site plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.*
- i. A detailed floor plan identifying the areas available and functional uses, including floor area dimensions in square feet.*
- j. All signs proposed for the facility.*
- k. A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times to ensure that movement of pedestrian and/or vehicular traffic, including but not limited to, along the public rights of way will not be unreasonably obstructed.*
- l. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administration of odor control including maintenance of such controls.*
- m. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to Marijuana Establishments or off-site direct delivery.*
- n. Individual written plans, which, at a minimum, comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's:*
  - i. Operating procedures*
  - ii. Marketing and advertising*
  - iii. Waste disposal*
  - iv. Transportation and delivery of marijuana or marijuana products*
  - v. Energy efficiency and conservation*
  - vi. Security and alarms*

- vii. *Decommissioning of the marijuana establishment including a cost estimate taking into consideration the Town's cost to undertake the decommissioning of the site.*

## **2. Findings**

*In addition to the standard Findings for a Special Permit or Site Plan Approval, the Planning Board must also find all of the following in order to grant an approval for a Marijuana Establishment:*

- a. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.*
- b. The Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.*
- c. The Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.*
- d. The applicant has satisfied all of the conditions and requirements of this Section and other applicable sections of the Zoning Bylaw.*
- e. The Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on site or via delivery.*
- f. The Marijuana Establishment adequately addresses issues of traffic demand, circulation, and parking, particularly at peak periods, to minimize potential impacts to neighboring uses.*

...or take any other action relative thereto.”

**Select Board Recommends: 5-0**

**Finance Committee Recommends: 9-0**

**Planning Board Recommends: 4-0**

**MOTION:** I move to amend the Ipswich Zoning Bylaw as set forth in Article Four of the warrant for this town meeting.

**Planning Board Summary:** This article would amend Section III. Definitions modify the Table of Use Regulations in Section V and add a new Section IX.T, Adult Use Marijuana Establishments. Special Town Meeting in October 2019 approved a General Bylaw change to allow for adult use marijuana establishments in Ipswich, with the exception of retail. Currently, there are no zoning regulations to address adult use marijuana establishments in Ipswich. The current Zoning Bylaw allows, with conditions, registered medical marijuana dispensaries and should be modified to also allow for and regulate the allowable recreational marijuana establishments. Absent zoning regulations, the permissible recreational marijuana establishments would fall under enclosed manufacturing or some specialized uses would not be considered to be permitted at all, which is not the Town's desire. Allowed adult use marijuana establishments (again, not including retail) would be allowed in the PC and LI districts (Route 1) by special permit, which is where medical marijuana dispensaries are allowed.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** The Finance Committee unanimously supports this clarification of existing zoning regulations. If passed, this article provides regulatory guidelines for Marijuana establishments which, in keeping with our economic development goals, have the potential to expand our commercial tax base favorably impacting the Town.

**Fiscal Impact:** This article has no direct fiscal impact but does clarify zoning regulations for the burgeoning Marijuana industry which could result in increased tax flow to the Town.

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**ARTICLE 5 - Registered Marijuana Dispensaries (RMDs)**

Submitted by: Planning Board

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows:  
(~~strike through~~ = language to be deleted; ***bold italics*** = new language)

**Proposed Amendment:**

Planning Staff proposes modifications to Zoning Bylaw as follows:

Amend Section IX.R. Registered Marijuana Dispensaries (RMDs), subsection 4, General Requirements and Conditions for all RMDs, as follows:

“4. General Requirements and Conditions for all RMDs

- a. All RMDs shall be contained within a building or structure having a gross floor area of not less than ~~one~~ ***five*** thousand (~~±5,000~~) square feet (s.f.) or more than twenty-***five*** thousand (20***5***,000) s.f....
- h. No marijuana establishment is permitted to utilize or provide a drive-through service.***
- i. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.***
- j. All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure without express Planning Board approval.***
- k. No outside storage is permitted.***
- l. Ventilation: all Marijuana Establishments shall be ventilated in such a manner that (a) no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and (b) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment.***

...or take any other action relative thereto.”

Select Board Recommends: 5-0  
Finance Committee Recommends: 9-0  
Planning Board Recommends: 4-0

**MOTION:** I move to amend the Ipswich Zoning Bylaw as set forth in Article Five of the warrant for this town meeting.

**Planning Board Summary:** As the Planning Board and its Staff reviewed potential zoning regulations for Marijuana Establishments related to Article 4, it became apparent that the Town’s existing Registered Marijuana Dispensary regulations could and should be expanded to better address certain potential impacts associated with such uses, and also, that they should be fairly consistent with the proposed Marijuana Dispensary regulations. Accordingly, this article proposes amendments to Section IX.R, Registered Marijuana Dispensaries, that will help ensure that these uses can exist in a manner that does not adversely affect the public health, safety and welfare.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** The Finance Committee unanimously supports this clarification of existing zoning regulations. If passed, this article provides regulatory guidelines for Marijuana establishments which, in keeping with our economic development goals, have the potential to expand our commercial tax base favorably impacting the Town.

**Fiscal Impact:** This article has no direct fiscal impact but does clarify zoning regulations for the burgeoning Marijuana industry which could result in increased tax flow to the Town.

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#### **ARTICLE 6 - Clarification Amendment**

Submitted by: Planning Board

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows:  
(~~strike through~~ = language to be deleted; **bold italics** = new language)

“Use, Residential Mixed: A building which contains two or more principal uses, at least one of which is residential, and at least one of which is non-residential and located on the ground floor. ***The principal uses in a Residential Mixed Use building shall be subject to all applicable regulations and conditions in this Zoning Bylaw for those individual uses, including the Dimensional and Density Regulations in Section VI, if this use is not specifically mentioned in Section VI.***

Multi-family Residential Development: A lot which contains or has built upon it: (a) ***one or more residential mixed-use buildings;*** (b) one or more multi-family dwellings; (~~bc~~) one or more multi-family dwellings and one or more single or two-family dwellings, provided that the single family dwellings constitute no more than 25% of the total units in the residential development, or (~~ed~~) two (2) or more two-family dwellings.

...or to take any other action relative thereto.”

**Select Board Recommend: 5-0**  
**Finance Committee Recommends: 9-0**  
**Planning Board Recommends: 4-0**

**MOTION:** I move to amend the Ipswich Zoning Bylaw as set forth in Article Six of the warrant for this town meeting.

**Summary:** In the fall of 2016 Town Meeting adopted a new definition for “Use, Residential Mixed” and added this use to the Table of Uses in Section V of the Zoning Bylaw. The intent of this change was to make it explicit that mixed use (residential plus an allowable non-residential use) is permitted in certain zoning districts. Recently, the Planning Board learned that “Use, Residential Mixed” is unintentionally

omitted from the list of residential uses called out in the Table of Dimensional and Density Regulations in Section VI, and some have suggested that this use category should therefore fall under “All other permitted uses”, which clearly was not the intent. Accordingly, the Board has proposed this article to clear up any confusion and affirm that the multiple principals uses in a “Use, Residential Mixed” must comply with their respective density and dimensional requirements.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** If passed, this article amends two definitions in Section III of Ipswich's *Protective Zoning Bylaw* (please see <https://www.ipswichma.gov/DocumentCenter/View/1015/Zoning-Bylaw>). The amendments ensure that the lot dimensions, setback requirements, and minimum open space percentages defined in Section VI's *Table of Dimensional and Density Regulations* will apply to residential mixed-use buildings as intended.

**Fiscal Impact:** This article has no direct fiscal impact.

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#### **ARTICLE 7: Energy Efficiency Related Zoning Changes**

Submitted by: Planning Board

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows:  
(~~strike through~~ = language to be deleted; ***bold italics*** = new language):

1. Amend Section I, Purpose, as follows:
  - I. Purpose  
This bylaw is enacted for the following purposes: to lessen congestion in the streets; ...; to encourage efficient use and conservation of energy, ***and to aggressively reduce the use of fossil fuels and actively adopt renewable energy sources***; to conserve the value of land and buildings including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land ***and most beneficial development practices*** throughout the town, .... It is made with reasonable consideration to the outstanding characteristics and unique position that Ipswich holds in the historical background of the Country, ***its unique and critical coastal features***, and the character of each district and to its peculiar suitability for particular uses; in accordance with the General Laws of the Commonwealth of Massachusetts, Chapter 40A, and any amendments thereto.
2. Amend Section III, Definitions, as follows (insert new definition in the appropriate alphabetical order.)
  - III. Definitions  
***Net Zero Ready Building: A building that 1) has no on-site combustion for any purpose, including HVAC system operation, water heating, and cooking equipment (all electric systems), 2) has a solar-ready roof with appropriate orientation to capture solar radiation, and 3) is wired for EV charging.***
3. Amend Section IV, Dimensional and Density Regulations, as follows:



A. Amend subsection G.1 as follows:

VI. Dimensional and Density Regulations

G.1. Nothing herein shall prevent the projection of cornices, pediments, or eaves not exceeding twenty-four (24) inches, or of uncovered steps, chimneys, paving's, or windowsills, **or heat pumps** into any required setback or other open space, **except that heat pumps cannot be located within 10' of the window of a residence on an abutting property.**

B. Insert a new subsection G.2 as follows and renumber the existing subsections accordingly.

***G.2. A required setback for an existing building may be reduced up to one (1) foot if required for the installation of a super-insulated exterior envelope of the building as an energy conservation measure in new construction or existing buildings.***

4. Amend the Footnotes to the Table of Dimensional and Density Regulations as follows:

VI. Footnotes to Table of Density and Dimensional Regulations

25. If a residential development obtains a special permit, waiver or other local approval that increases the density or intensity of use beyond what is otherwise allowed by the Table of Uses, said development shall conform to Section IX.I.2.b, **and dwellings in the development must be Net Zero Ready Buildings."**

**Select Board Recommends: 4-0-1**

**Finance Committee Recommends: RATM**

**School Committee Recommends: RATM**

**Planning Board Recommends: 4-0**

**MOTION: I move to amend the Ipswich Zoning Bylaw as set forth in Article Seven of the warrant for this town meeting.**

**Planning Board Summary:** The Planning Board unanimously recommends Town Meeting adopt this article for doing so will, in certain new construction, promote electrification of buildings. This article is important for the Town to increase energy efficiency and reduce Green House Gas (GHG) emissions, goals which were identified in the Town's current Community Development Plan. In addition, this article was drafted with support of the Ipswich Electric Light Department (ELD) and is included in the ELD's 2021 goals and work plan. The proposed changes would increase electrification of homes as a way to curb overall GHG pollution and would allow residents the flexibility to have certain energy efficiency improvements protrude into building setbacks. This article would not require existing homeowners to make changes to their properties. Compliance with the changes set forth in this article is tied to an optional density bonus.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** The Finance Committee voted 6-3 in favor of postponing their vote until town meeting due to a lack of information at the time of the warrant meeting. Specifically, it was unclear how the proposed article would impact both builders and homebuyers, if the definition of "Net Zero Ready Building" aligns with current programs and if there was current precedent in Massachusetts that legally

permitted such restrictions within municipal by-laws. The Finance Committee will seek further information and register their vote at town meeting.

**Fiscal Impact:** As of the printing of this report; we did not have sufficient information to determine if the passage of this article would impact taxes for the average household.

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#### **ARTICLE 8 – Purchase of Land for Site of Proposed Public Safety Building**

Submitted by: Select Board

To see if the Town will vote:

(1) to appropriate the sum of \$630,000 to purchase land located at 4 Pine Swamp Road, Ipswich MA, consisting of eight (8) acres, more or less, and listed on the Assessors' Maps as Map 30D, Block 135, Lot 0, to serve as the site of the proposed public safety building, including the payment of all costs incidental and related thereto; and

(2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or

(3) to take any other action relative thereto.

**Select Board Recommends: 5-0**

**Finance Committee Recommends: 8-1**

**School Committee Recommends: 7-0**

**MOTION:** I move that the Town votes to:

(1) appropriate the sum of \$630,000 to purchase land located at 4 Pine Swamp Road, Ipswich MA, consisting of eight (8) acres, more or less, and listed on the Assessors' Maps as Map 30D, Block 135, Lot 0, to serve as the site of the proposed public safety building, including the payment of all costs incidental and related thereto; and

(2) to raise this appropriation the Treasurer, with the approval of the Select Board is authorized to borrow said amount under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Summary:** This article will authorize the Treasurer to borrow the sum of \$630,000 to purchase land located at 4 Pine Swamp Road to serve as the site of the proposed public safety building.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** This is the first of two articles proposed by the Ipswich Public Safety Facilities Committee. The Committee was charged by the Select Board in December 2016 with (1) identifying and evaluating suitable locations for a combined public safety facility; (2) recommending an appropriate sum to conduct a feasibility study; (3) working with the Town Manager and town staff to obtain Owner's Project Manager and architectural services; and (4) to design, construct, and commission a facility suitable to present and future public safety needs of Ipswich. The Committee is composed of knowledgeable citizens and town officials, including two members of the Select Board, a member of the Finance Committee, the Town Manager and the police and fire chiefs. The Committee has met more than 55 times since early 2017 to carry out this charge.

The Town of Ipswich has been actively considering the future of the public safety facilities for the past twenty years with much study and discussion but no concrete solutions. One of the major stumbling blocks was finding a suitable and available site in the downtown area. In 2017, the Committee reviewed all reports going back to the 1950s and reviewed all sites that had been considered in prior studies. The Committee also reviewed a number of new potential locations. In 2018, the Committee presented a warrant article at the Spring Town Meeting to fund a feasibility study to assist the Committee. Town Meeting approved \$140,000 towards this effort. HKT Architects were selected after a public bidding process and commenced work in early 2019. With input from the architects on program and site needs, the Committee was able to find a site which was both suitable in size, located in the downtown and available at a reasonable price. In December 2019, the Select Board signed a purchase and sale agreement for the acquisition of 8-acre parcel of land on the corner of Linebrook Road and Pine Swamp Road from the Archdiocese of Boston. The purchase and sale agreement is contingent upon receipt of approval from Town Meeting, with the delay in consideration of non-budgetary articles from the Annual Town Meeting, this article is being presented now to Town Meeting for approval.

The Finance Committee strongly commends the Committee for their hard work and success in finding a suitable location for the long-sought Public Safety Facility. The Finance Committee recommends this article on a vote of 8-1.

**Fiscal Impact:** The agreed acquisition price for the property is \$630,000. This price is supported by an appraisal by a highly qualified appraiser. The acquisition will be paid for through bonds and repaid over time. The debt service for the bonds is anticipated to be approximately \$36,400 annually based on a 30-year bond. This will be paid for through the operating budget and will not increase the operating budget. If passed, this article accounts for \$5.00 of the tax bill for a \$500K home and will not raise the FY20 tax rate of \$14.02 per thousand.

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## **ARTICLE 9 – Design of Proposed Public Safety Building**

Submitted by: Select Board

To see if the Town will vote:

(1) to appropriate the sum of \$2,250,000 to pay costs of designing the proposed public safety building, to include a portion of such costs incurred through bidding, but not construction administration, of architectural and engineering fees, supplemental service fees for geotechnical surveys, energy modeling, permitting, prequalification, traffic engineering, communications design, and all other costs incidental and related thereto; and

(2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or

(3) to take any other action relative thereto.

**Select Board Recommends: 5-0**

**Finance Committee Recommends: 6-3**

**School Committee Recommends: 7-0**

**MOTION: I move that the Town votes to:**

**(1) appropriate the sum of \$2,250,000 to pay costs of designing the proposed public safety building, to include a portion of such costs incurred through bidding, but not construction administration, of architectural and engineering fees, supplemental service fees for geotechnical surveys, energy modeling, permitting, prequalification, traffic engineering, communications design, and all other costs incidental and related thereto; and**

**(2) to raise this appropriation the Treasurer, with the approval of the Select Board is authorized to borrow said amount under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. No amounts shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts required to repay any borrowing undertaken pursuant to this vote from the limits on total property taxes set forth in G.L. c. 59, §21C (also known as Proposition 2½).**

**Summary:** This article will authorize the Treasurer to borrow the sum of \$2,250,000 to pay costs of designing the proposed public safety building, contingent on passage of a debt-exclusion by the voters at the special town election.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** This is the second of two articles presented by the Public Safety Facilities Committee. Please refer to Article 8 above for a discussion of the Committee's work. Having completed the Feasibility Study authorized by Town Meeting in May 2018, and having identified and put under agreement a feasible, suitable and available site for the Public Safety Facility, the Committee is now requesting funding for the next step in this multi-year planning process, preparation of design and construction documents.

The funding provided in this article would allow the Town to solicit architectural services through a competitive process and to engage an architect and design team to bring the project from its current conceptual stage through design development and final design to documents ready to go out to bid.

This will allow the Town to have a solid idea of the facility cost prior to bringing it back to the voters again for final authorization at a future Town Meeting. The Finance Committee believes it is better to present voters with final costs once the project design is completed rather than vote on the entire project now without sufficiently detailed project costs.

To present the voters with a clear picture of the entire project prior to making a decision on this article, the Finance Committee has requested and received an estimate of the total project costs, including the feasibility study, land acquisition, design and construction. Given the span of time, changes in the market for construction, and changes in the price of materials it is not possible to give a precise cost for the facility. The best estimate at this point, including a contingency for unknowns, is as follows:

Feasibility Study (done)	\$140,000
Land Acquisition (Article 8)	\$630,000
Design (Article 9)	\$2,250,000
Hard Construction Cost	\$20,300,000
Additional Soft Costs and Contingencies	<u>\$3,000,000</u>
Total Project Costs	\$26,320,000

The Finance Committee recommends on a vote of 6-3 that the Town Meeting approve funding for the design of the Public Safety Facility in the amount of \$2,250,000. The three dissenting votes had concerns that, as of yet, we do not have a strategic plan that has weighed and prioritized the numerous capital projects necessary in the near term and that by not voting the entire project we do not have a sense of if the community supports the project or if we will end up with a set of plans that will not be immediately used.

**Fiscal Impact:** If passed, this article then goes to the ballot as the funds authorized through this article would need to receive a majority vote at the Town election to exempt the debt service from the provisions of Proposition 2 ½. If passed at the ballot, the cost to taxpayers of this article is estimated at \$20.00 annually initially and declining over the life of the bond to \$8.00, for at \$500K home, based on a \$2,250,000 bond paid back over a period of 30 years.

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## ARTICLE 10 – Amendments to Chapter 118 Boats and Waterways

Submitted by: Gov't Study Committee

To see if the Town will amend Chapter 118 Boats and Waterways of the General Bylaws of the Town of Ipswich as follows: (Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.)

### ***Article III Waterways Advisory Committee, Sub Section 118-9 Appointment and Charge***

***The Select Board Shall appoint the Waterways Advisory Committee. The Select Board shall determine the Waterways Advisory Committee composition and charge to include advising the Select Board, Harbormaster and the Town related to regulations, planning, development, and management***

***associated with town navigable and tidal waterways, town wharf, and public landings. The Harbormaster is an ex-officio non-voting member of the Waterways Advisory Committee and shall be appointed by the Town Manager. All activities and recommendations of the Waterways Advisory Committee shall respect Ipswich long term planning and priorities.***

*Summary: The Select Board asked the Government Study Committee (GSC) in 2016 to make recommendations on the Waterways Advisory Committee appointment and charge, and waterways regulations process. The Select Board asked the GSC and Waterways Advisory Committee in 2019 to recommend a warrant article for the May 2020 Annual Town Meeting, This clarifying bylaw amendment is intended to resolve years of inconsistent practices. If approved by the October 17, 2020 Special Town Meeting, this bylaw amendment will be followed by a May 2021 Annual Town Meeting Warrant article proposal to remove current bylaws on waterways, boating, Town Wharf and public landings that are duplicated in, conflict with or should be incorporated into the Rules and Regulations of the Waterways that can be found on the Harbormaster web site. This would also clarify Ipswich will have only one place for Waterways regulations not two. The proposed May 2021 Annual Town Meeting Waterways article will also include the approval authority of Waterways regulations.*

**Select Board Recommends: 5-0**

**Finance Committee Recommends: 9-0**

**MOTION: I move to amend Chapter 118 of the Ipswich General Bylaws as set forth in Article Ten of the warrant for this town meeting.**

**This article requires a simple majority vote.**

**FinCom Synopsis:** The Finance Committee unanimously supports this article. If passed, this article will eliminate inconsistencies, as well as provide clarity, in the town by laws regarding the appointing authority of Waterways Advisory Committee members and the Harbormaster. The Harbormaster, Select Board and the Waterways Advisory Committee have unanimously supported this article.

**Fiscal Impact:** This article has no fiscal impact.

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#### **ARTICLE 11 – Amend Chapter 138 – Demolition Review**

Submitted by: Historical Commission

To see if the Town will amend the provisions of Chapter 138 of the General Bylaws as set forth below, or make other changes to any provision of Chapter 138 (Demolition Review)

[Note: ~~striketrough~~ = language to be deleted ***bold italics*** = new language]

#### **Chapter 138 Demolition Review**

[HISTORY: Adopted by the Town Meeting of the Town of Ipswich 4-6-1987 ATM, approved by Attorney General 8-24-1987 (Ch. XVI of the 1973 Bylaws). Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Architectural preservation district — See Ch. **113**.

Penalties — See Ch. **300**.

**§ 138-1 Intent and purpose.**

The purpose of this chapter is the preserv~~ationing~~ and protect~~ioning~~ of significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the Town; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish them; and by furthering these purposes, to promote the public welfare, to protect the resources of the Town, and to preserve the Town as an attractive and desirable place in which to live. To achieve these purposes, the Ipswich Historical Commission (the "Commission") is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this bylaw.

**§ 138-2 Definitions.**

- A. Building - as defined in "SECTION III." of The Protective Zoning Bylaw of the Town of Ipswich.
- B. Demolition - any act of pulling down, destroying, removing, or razing a building, or any substantial exterior portion thereof, or commencing the work of total or substantial destruction, with the intent of completing the same.
- C. Significant Building - any building or portion thereof which:
  - (1) Is in whole or in part ~~75 or more years old~~ **constructed prior to 1915; or**
  - (2) Is listed on, or is within an area listed on, the National Register of Historical Places, or is the subject of a pending application for listing on said National Register; **or**
  - (3) Is protected by a Preservation Agreement with the Commission or the Heritage Trust; ~~or~~
  - (4) **And** ~~its~~ determined by a majority of the Commission **at a public meeting** to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect, or builder, or other historically significant person, event or process either by itself or in the context of a group of buildings. ~~The Commission shall make such a determination within 10 days of receiving a request, in hand or by certified mail, from the Building Inspector.~~
- ~~(5)D.~~ Preferably-Preserved Significant Building - any ~~s~~Significant ~~b~~Building which the Commission determines, **after a Public Hearing** as provided in § 138-3, is in the public interest to be preserved or rehabilitated, rather than to be demolished.

- ~~(6)E.~~ Commission – the Ipswich Historical Commission.

**§ 138-3 Procedure.**

- A. Upon receipt of an application for a demolition permit, the Building Inspector shall date-stamp the application and forward a copy to the Chair~~man~~ of the Commission **and the Planning Director** within four **(4) business** days. No demolition permit shall be issued at that time.

- B. The **Chair of the Commission, with the Planning Director**, shall within ~~10~~ **eight (8) business** days of the date of receipt of an application determine whether the building is a ~~sSignificant bBuilding~~ **under §138-2C (1), (2) or (3)**. If the building is determined not to be a ~~sSignificant Building under §138-2C (1), (2) or (3)~~, the **Chair of the Commission** shall notify the Building Inspector and the owner, in hand or by certified mail, ~~within 14 days of the date of application~~, that a demolition permit may be issued. ***If the building is determined to be a Significant Building under §138-2C (1), (2) or (3), the Chair will notify the Building Inspector and the owner, and the Commission shall hold a public meeting meet within 10 20 business days of the date of receipt of the application to determine whether the building is a Significant Building under §138-2C (4). The Commission may schedule a site visit of the property, with the owner's consent, to assist with its determination.***
- C. If **a majority of the Commission** determines **during a public meeting** that the building, for which a demolition permit has been applied, is a ~~sSignificant bBuilding~~ **under §138-2C**, the ~~Chairman~~ of the Commission shall notify the Building Inspector and the owner of the building, in hand or by certified mail, within ~~14~~ **four (4) business days of their meeting** ~~the date of the receipt of the application for a demolition permit~~. The demolition permit shall be denied at this time, and the Commission shall advise the owner of the building of the procedure to be followed to determine whether a permit to demolish a ~~sSignificant bBuilding~~ may be issued. ***If a majority of the Commission determines during a public meeting that the building for which a demolition permit has been applied is not a Significant Building under §138-2C, the Chair of the Commission shall notify the Building Inspector and the owner of the building, in hand or by certified mail, within four (4) b usiness days of their meeting, that a demolition permit may be issued.***
- D. Before approval or disapproval of the application for the demolition of a ~~sSignificant bBuilding~~, a ~~pPublic hHearing~~ shall be held by the Commission within ~~45~~ **calendar** days of the ~~submission date~~ **of receipt** of the application. Notice of the time and place of such **Public H**earing shall be given by the ~~Board-Commission~~ at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Ipswich, once in each of two successive weeks, the first publication being not less than ~~14~~ **calendar** days before the day of the hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon and/or within 300 feet of the lot on which the ~~sSignificant bBuilding~~ is located, as appearing in the most recent tax list.
- E. If, after such **Public H**earing, the Commission determines that the demolition of the ~~sSignificant bBuilding~~ would not be detrimental to the historical or architectural heritage or resources of the Town ~~or is in an imminent threat to public health and safety~~, the Commission shall so notify the Building Inspector and the owner, in hand or by certified mail, within ~~21~~ **calendar** days after the ~~pPublic hHearing~~. Upon receipt of such notification, or after the expiration of ~~21~~ **calendar** days from the conduct of the ~~hHearing~~, if the Building Inspector and the owner have not received notification from the ~~C~~ommission, the Building Inspector may, subject to the requirements of the state building code and other applicable laws, bylaws, rules and regulations, issue the demolition permit.
- F. If the Commission determines that the demolition of the ~~sSignificant bBuilding~~ would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a ~~pPreferably-pPreserved sSignificant bBuilding~~. In making such a determination, the Commission may consider any hardships associated with the property.
- G. Upon such determination by the Commission, the Commission shall so advise the applicant and the



Building Inspector, in hand or by certified mail, within 21 **calendar** days of the conduct of the hearing, and no demolition permit may be issued until ~~12~~**18** months after the date of such determination by the Commission, except under the conditions of Subsection H of this section.  
**[Amended 4-5-2004 ATM, approved by Attorney General 5-3-2004]**

- H. Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a ~~p~~**P**referably-~~p~~**P**reserved ~~s~~**S**ignificant ~~b~~**B**uilding after receipt of written advice from the Commission to the effect that either:
- (1) The Commission is satisfied at any time after the conduct of the hearing that there is no reasonable likelihood either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
  - (2) The Commission is satisfied that, for at least six months, the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, and restore the subject building, and that such efforts have been unsuccessful. These efforts would include listing the building with a realtor or realtors for the six months, advertising in local general circulation newspapers, and advertising in one Boston **area** general circulation newspaper.

#### **§ 138-4 Enforcement and remedies.**

- A. The Commission and/or the Building Inspector are each authorized to institute any and all proceedings, in law or equity, as either deems necessary and/or appropriate to obtain compliance with the requirements of this bylaw, and/or to prevent any violation thereof.
- B. No building permit shall be issued with respect to any premises upon which a ~~S~~**s**ignificant ~~B~~**b**uilding has been voluntarily demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition as determined by the Building Inspector and documented in a letter to the Commission. As used herein, "premises" includes the parcel of land upon which the demolished ~~s~~**S**ignificant ~~b~~**B**uilding was located.
- C. Upon a determination by the Commission that a building is a ~~p~~**P**referably-~~p~~**P**reserved ~~s~~**S**ignificant ~~b~~**B**uilding, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail so to secure the building, and as a result, such building is lost through fire or other cause, this shall be considered voluntary demolition for the purposes of § **138-2**.

#### **§ 138-5 Ordinary maintenance.**

Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature.

#### **§ 138-6 Portions of ~~s~~**S**ignificant ~~b~~**B**uildings.**

Nothing in this bylaw shall be construed to prevent the demolition of those portions of ~~S~~**s**ignificant ~~B~~**b**uildings which are not in themselves ~~s~~**S**ignificant. In such cases, the Historical Commission shall notify the Building Inspector within ~~14~~**20 business days** of the date of application that a demolition permit may be issued.

**§ 138-7 Severability.**

If any section, paragraph, or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

**§ 138-8: Coordination with Other Town Boards and Bylaws.**

***The Historical Commission authority as established in this bylaw shall not supersede or interfere with the regulatory authority of the Ipswich Architectural Preservation District Commission according to Chapter 113 of the Ipswich General Bylaw.***

**Summary:**

*The major responsibility of the Ipswich Historical Commission is to protect significant historic structures by encouraging preservation and rehabilitation. To enable the IHC to fulfill this responsibility, the Commission is recommending four amendments to the Town's 1987 Demolition Review Bylaw:*

- 1) The age of buildings requiring a Historical Commission review to determine their significance is changed to those constructed prior to 1915 from the current language which specifies all buildings that are 75 years old or older. A building's historic significance determines whether a permit to demolish should be issued or withheld.*
- 2) The period for which a demolition delay may be imposed is extended from 12 months to 18 months so as to give the Town more time to find a preservation solution for the structure.*
- 3) The process by which a demolition permit is reviewed is updated and typos in the original 1987 bylaw are corrected.*
- 4) The authorization for the Historical Commission to determine whether a Significant Building is an imminent threat to public health and safety is removed. (The Building Inspector and the Board of Health have that responsibility by law.)*
- 5) Coordination with the Architectural Preservation District Bylaw is clarified.*

**Select Board Recommends: 3-2**

**Finance Committee Recommends: 8-1**

**MOTION: I move to amend Chapter 138 of the Ipswich General Bylaws as set forth in Article Eleven of the warrant for this town meeting.**

**Summary:** This article would make three changes to the Demolition Review Bylaw: 1) It would establish a cutoff date for a "significant building" of 1930, where currently any building 75 or more years old is considered a "significant building" and 2) extends the maximum period for actual demolition delay from 12 months to 24 months.

**This article requires a simple majority vote.**

**FinCom Synopsis:** If passed, this article changes the demolition review process (please see Chapter 138 of Ipswich's General Bylaws at <https://www.ecode360.com/30686323>) in several important ways. First, the Ipswich Historical Commission will limit the scope of its work to significant buildings constructed prior to 1915, rather than 1946 as is the case presently in 2020. Second, the time the commission can

delay demolition of a structure deemed historically or architecturally significant after a public hearing is being increased from one year to a year and a half.

The Finance Committee supports the commission's goal to focus its preservation efforts on more historic buildings, while improving its chances of success by extending the demolition delay by six months. The Finance Committee acknowledges the additional burden longer demolition delays could impose on property owners but believes strengthening preservation initiatives will ultimately protect the unique character of Ipswich and make it a more desirable place to live and visit. The Finance Committee voted 8-1 in support of the Historical Commission's article.

**Fiscal Impact:** This article has no fiscal impact.

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## ARTICLE 12 – Amend Chapter 109 – Animals

Submitted By: Select Board

To see if the Town will amend Chapter 109 Animals of the General Bylaws of the Town of Ipswich as follows: (Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.)

### 109-17. Penalties and enforcement

B. Notwithstanding the provisions of Section 109-1 above and of MGL c. 140, Section 173A, as amended, the final disposition of each violation of this chapter, with the exception of violations of Section 109-6 shall be in accordance with the following schedule. The Animal Control Officer and any deputy, and any Ipswich Police Officer shall have the authority to enforce the provisions of this article; and to further establish annual license fees as follows:

<b><i>Neutered or spayed dogs – Resident Over 70 License*</i></b>	<b><i>\$ 5</i></b>
Neutered or spayed dogs	\$15
<b><i>Intact Dogs – Resident Over 70 License*</i></b>	<b><i>\$10</i></b>
Intact Dogs	\$20

***\*Limit - Only one over 70 Dog License per household***

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 8-1**

**MOTION:** I move to amend Chapter 109 of the Ipswich General Bylaws as set forth in Article Twelve of the warrant for this town meeting.

**This article requires a simple majority vote.**

**FinCom Synopsis:** If passed, this article will provide a Dog License fee benefit to residents over the age of 70, in the same fashion that the town provides a similar benefit for Shellfish License fees for those over 70 years of age.

**Fiscal Impact:** This article has minimal fiscal impact; modestly reducing licensing revenue received by the Town.

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## ARTICLE 13 – Water Department Main Replacement

Submitted by: Select Board acting as Water Commissioners

To see if the Town will vote:

(1) to appropriate the sum of \$1,500,000 to survey, design, permit and construct improvements to the Town's water system, including the payment of costs incidental or related thereto; and

(2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board (Board of Sewer Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or any other enabling authority. All or any portion of this amount may be borrowed through the Massachusetts Clean Water Trust. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or

(3) to take any other action relative thereto

*Summary: This article will authorize the Treasurer to borrow the sum of \$1,500,000 to replace water infrastructure within the Town of Ipswich. Funds are anticipated to be used to rehabilitate and/or replace a portion of the water system in the area of High Street, evaluate and design upgrades to the Water Treatment Plant and water storage tanks. This infrastructure is approaching or is past its useful life. Failure of this infrastructure will impact the ability to provide water to the community.*

**Select Board Recommend: 5-0**

**Finance Committee Recommend: 9-0**

**School Committee Recommend: 7-0**

**MOTION:** I move that the Town appropriate the sum of \$1,500,000 to survey, design, permit and construct improvements to the Town's water distribution system, including the payment of costs incidental or related thereto; and to raise this appropriation that the Treasurer, with the approval of the Select Board, be authorized to borrow said amount under the provisions of M.G.L. c. 44, §8 (5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** The Finance Committee unanimously supports the Treasurer to borrow the sum of \$1,500,000 to rehabilitate and/or replace a portion of the water system in the area of High Street, evaluate and design upgrades to the Water Treatment Plant and water storage tanks.

**Fiscal Impact:** If passed, this article then goes to the ballot as the funds authorized through this article would need to receive a majority vote at the Town election. The debt service for this bond authorization is paid by the water ratepayers and has no impact on the average tax bill.

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**ARTICLE 14 – Sewer Easements required for Wastewater Infrastructure Work**

Submitted by: Select Board acting as Sewer Commissioners

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, voluntary conveyance or by eminent domain, temporary and permanent easements to gain access to and reconstruct the system of public sewers along and under the Ipswich River between County Street and 4 Union Street, as more particularly shown on a plan entitled Plan of Easements in Ipswich MA prepared by Donohue Survey, Inc., and to appropriate a sum of money therefor, or take any other action relative thereto.

*Summary: This article will authorize the Board of Selectmen, as Sewer Commissioners to acquire temporary and permanent easements along the Ipswich River to facilitate construction activities to rehabilitate sewer infrastructure. Existing easement are limited in area and not sufficient to support the planned construction. Funding for the rehabilitation project was approved under Article 14 at the 2020 Annual Town Meeting and construction is scheduled to begin this fall.*

**Select Board Recommends: 5-0**

**Finance Committee Recommends: 9-0**

**MOTION:** I move to authorize the Select Board to acquire by purchase, voluntary conveyance or by eminent domain, temporary and permanent easements to gain access to and reconstruct the system of public sewers along and under the Ipswich River between County Street and 4 Union Street, as more particularly shown on a plan entitled Plan of Easements in Ipswich MA prepared by Donohue Survey, Inc., and further to authorize the Select Board to expend from funds previously appropriated under Article 12 of the 2020 Annual Town Meeting a sum of not more than \$100,000 to acquire such interests and for any costs incidental thereto.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** The Finance Committee unanimously supports the Select Board, as Sewer Commissioners, to acquire temporary and permanent easements along the Ipswich River. There was question surrounding the funding source for purchase of permanent easements, however, these costs were included in the \$2,000,000 bond authorization approved at the 2020 Annual Town Meeting.

**Fiscal Impact:** In the event that there are costs associated with securing permanent easements, those costs will be borne by the sewer rate payers.

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## ARTICLE 15 – Kamon Farm; Land Purchase on Pineswamp Road

Submitted by: Open Space Committee

To see if the Town will vote to authorize the use of up to seven hundred and fifty thousand (\$750,000) dollars, to be funded from sums previously appropriated under Article 18 of the 2000 Annual Town Meeting as amended by a vote adopted Article 19 of the 2011 Annual Town Meeting (the “Open Space Bond”), to purchase a Conservation Restriction on six (6) parcels of vacant land in Ipswich, Massachusetts containing 93 acres, more or less, as described more particularly in a deed recorded with the Essex South District Registry of Deeds in Book 30660, Page 537 (“Kamon Farm Project”), said Restriction to be acquired for conservation purposes, and placed under the care, custody and control of the Town of Ipswich, Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, so that the land shall be permanently protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts;

**Further**, provided that the Town shall have first received a commitment for funds under the LAND Grant Program or any other federal or state program or private aid in an amount of at least \$300,000.00, which may be in the form of a reimbursement grant;

**Further** to authorize the Select Board to sign an Agreement with the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA), to accept a grant from the LAND Grant Program (M.G.L. Chapter 132A, Section 11), and that the Select Board and/or the Conservation Commission shall be authorized to apply for reimbursement from the LAND Grant Program;

**Further** that the Select Board and/or the Conservation Commission shall be authorized, on behalf of the Town, to enter into all agreements and execute any and all instruments as may be necessary to affect the conveyance of the Kamon Farm Project, to obtain reimbursements and to take any other action relative thereto.

*Summary: Under the Town’s Open Space Bond article, as amended, the Town has already appropriated and authorized the Treasurer to borrow up to \$15,000,000 to acquire parcels of land for open space, water supply protection, recreation and/or certain limited municipal purposes provided that (1) they are on a “list of priority parcels” approved by Town Meeting, and (2) the Town Meeting approve any acquisition requiring the expenditure of more than \$500,000. There is a remaining authorization of \$4,008,000.00 under the Open Space Bond article.*

*Kamon Farm, on Pineswamp Road, is a matrix of wetlands, agricultural fields, and wooded uplands with tributaries of the Bull Brook Reservoir and Kimball Brook. Kamon Farm has been on the Open Space Bond List since 2000, and is vital for drinking water supply protection, wildlife habitat, passive recreation and agriculture in Ipswich.*

*The property offers significant drinking water supply protection. A branch of Bull Brook runs through the property, and several smaller tributaries begin in the hayfields. A portion of the aquifer for the Mile Lane wellhead is also located on the property. More than half of the property protects and filters water flowing into the Bull Brook Reservoir and the Mile Lane Well.*

*The Town has requested \$400,000.00 from the LAND Grant program through the MA Executive Office of Energy and Environmental Affairs to acquire a conservation restriction over the 92.9 acres. A yes on this article would allow the Town to make the required match by contributing up to \$450,000 from the Open Space Bond.*

*Greenbelt will fundraise the remaining balance of \$400,000 to meet the full \$1,150,000 purchase price for the property. Greenbelt will own the land subject to a Town-held Conservation Restriction and will steward and maintain the property. The Town's responsibilities will be limited to routine monitoring of the property under the terms of the Conservation Restriction and coordinating with Greenbelt on public access. The public would have access in designated areas for passive recreation once Greenbelt takes ownership.*

**Select Board Recommend: 5-0**

**Finance Committee Recommend: 9-0**

**MOTION:** I move that the Town authorize the use of a sum not to exceed \$750,000, previously appropriated under Article 18 of the 2000 Annual Town Meeting, as amended under Article 19 of the 2011 Annual Town Meeting, to purchase a Conservation Restriction on six (6) parcels of vacant land in Ipswich, Massachusetts containing 93 acres, more or less, as described more particularly in a deed recorded with the Essex South District Registry of Deeds in Book 30660, Page 537, said Restriction to be acquired for conservation purposes, and placed under the care, custody and control of the Town of Ipswich, Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, so that the land shall be permanently protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, provided, however, that such funds shall not be borrowed or expended until, prior to acquisition, the Town has received a commitment for funds under the LAND Grant Program or any other federal or state program or private aid in an amount of at least \$300,000.00, which may be in the form of a reimbursement grant, said sum to be applied to reduce amount authorized to be expended pursuant to this vote.

**This article requires a simple majority vote.**

**FinCom Synopsis:** The Finance Committee voted unanimously in favor of this article. This parcel is a valuable conservation target and the cost to the town is quite reasonable in conjunction with the partnership with Greenbelt. Securing this parcel preserve open space while protecting a valuable water source for the town. The Greenbelt Land Trust will handle maintenance of the land which should also reduce or eliminate future costs, making this an even more attractive opportunity for our town moving forward.

**Fiscal Impact:** The agreement as outlined above, limits the Town's contribution to \$450,000. If passed, this article will add \$6.23 of the tax bill for a \$500K home and will not raise the FY20 tax rate of \$14.02 per thousand, however, as this is an override, will affect future tax rates.

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## **ARTICLE 16 – Citizen Petition – Implementation of Water Use Mitigation Plan**

Submitted By: *James McCarthy, 35 Fellows Road*

To see if the Town will vote to amend the protective zoning bylaws of the Town of Ipswich adding the following: (Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.)

## **Section IX.T - T. Water Use Mitigation Plan**

### **1. Purpose**

*The purpose of this bylaw is to ensure that there is enough water at all times to meet the basic needs of the community, including fighting fires. These standards are designed to address public health, safety, and welfare concerns; establish and assist in achieving sustainability goals and objectives, manage the demand for more water in The Town of Ipswich, to ensure that demand for water does not exceed available current or future supply and demand for water does not exceed the sustainable yield of the source and manage water/water infrastructure to be more resilient to drought.*

### **2. Applicability**

*The WUMP program is applicable to projects which:*

- a. Require a building permit for new construction or an additional dwelling unit (including special permits for accessory apartments)*
- b. Represent a new or increased water demand*
- c. Residential projects of three (3) or more dwelling units and all commercial projects are subject to the WUMP impact fee.*

### **3. Construction Requirements**

*All projects subject to the WUMP program must meet the following requirements:*

- a. All applicable provisions of the state plumbing code must be met.*
- b. Each faucet, shower head, clothes washing machine, dishwashing machine, and toilet shall be energy-efficient, water-saving, and meet the EPA's Water Efficiency Standards.*
- c. In-ground irrigation systems must be equipped with a rain and moisture sensing device.*

*Connection to the public water supply will not be approved until the Town has verified the project complies with these requirements.*

### **4. Fee Amount**

*The fee assessed to all projects shall be based on the size of the project, according to the following fee schedule.*

<i>Development Type</i>	<i>Fee</i>
<i>Residential — 1 Bedroom</i>	<i>\$1,980/unit</i>
<i>Residential — 2 Bedroom</i>	<i>\$3,960/unit</i>
<i>Residential — 3 Bedroom</i>	<i>\$5,940/unit</i>
<i>Residential -- 4 Bedroom</i>	<i>\$7,920/unit</i>
<i>Residential – Multi Unit</i>	<i>\$9.00/gpd/unit</i>
<i>Commercial and Industrial</i>	<i>\$9.00/gpd/unit</i>

### **5. Fee Collection**

*The WUMP impact fee will be calculated using a WUMP Fee Calculation Form. Fee payment must be submitted to the Water Department Administration Office prior to the issuance of a building permit. The building plans and sewer permit application or disposal works construction (Title V/Septic) permit*



***application and plans will be reviewed to verify the correct fee amount has been submitted. The Building Department will not sign off on a Building Permit until the WUMP fee is paid.***

**6. Fee Utilization Guidelines**

***These guidelines are applicable to the collection and dispersal of all fees collected under the Water Use Mitigation Program in the Town of Ipswich. These guidelines are effective as of the date of approval.***

**7. Fee Handling**

- a. All impact fees will be collected by the Building Department and be subject to the same departmental turnover process as all other monies collected and as described in detail in the Town's Financial Policies.***
- b. All impact fee funds collected are to be forwarded to the Town Treasurer.***
- c. Town Treasurer shall deposit impact fee funds into a designated Water Usage Mitigation Fund established pursuant to M.G.L. Chapter 44, Section 53E1/2.***
- d. The Water Department may withdraw funds for expenditure for conserving water resources, reducing demand upon the public water supply, and/or water use mitigation, up to an annual expenditure limit of \$200,000 in accordance with the approved Departmental Revolving Fund accounts under M.G.L. Chapter 44, Section 53 E ½.***

**8. Program Administration**

- a. The Water Department will be responsible for the administration and execution of water use mitigation projects under the direction of the Water Director.***
- b. The Water Department will solicit Town residents to identify residents interested in receiving water savings devices and appliances at a reduced cost. A list of these residents will be maintained at all times.***
- c. The Water Department will solicit bids to supply water savings devices and/or appliances upon collection of a sufficient number of interested residents to make bidding appropriate in the judgment of the Superintendent.***
- d. The Water Department may expend funds for water conservation education and outreach efforts, including programs for residents to participate in or attend.***
- e. The Water Department may expend WUMP funds to defray salary and administration costs for the program.***
- f. The number and types of water mitigation measures will be tracked by calendar year. The Water Department will estimate water savings for the mitigation devices installed.***

***Summary: The petition is to implement a Water use mitigation plan to collect a fee that will create funding that will be used for water reduction measures with the goal of reducing the impact of housing growth on the water use in Ipswich and providing a more stable water supply system.***

**Select Board Recommends: RATM  
Finance Committee T/N/A: 9-0  
Planning Board T/N/A: 4-0**

**MOTION: I move to amend the Ipswich Zoning Bylaw as set forth in Article Sixteen of the warrant for this town meeting.**

**Planning Board Summary:** The Petitioner informed the Planning Board at its September 24, 2020 public hearing that he intends to request that Town Meeting take no action on this article. Accordingly, the

Board supports the Petitioner's wish that Town Meeting take no action. Should the Petitioner change his mind or should Town Meeting wish to vote on the article, the Board recommends that Town Meeting not approve the article. The Town is actively working on implementing the recommendations of the Water Neutral Growth Plan completed in Spring of 2020 of which a Water Use Mitigation Program (WUMP or Water Bank) was a key recommendation. The Planning Board commits to examining the other recommendations of the Water Neutral Growth Plan and pursuing changes to the Zoning Bylaw as well as the Board's practices and policies, in coordination with the Water Subcommittee and the Select Board in their role as Water Commissioners.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** At the Petitioner's request, The Finance Committee unanimously recommended to "take no action" on this article as this issue is being addressed through a municipal effort of an interim water use mitigation plan by the Select Board as Water Commissioners.

**Fiscal Impact:** If passed, this article has the potential to generate revenue in the form of fees and fines, the amount of which is undetermined and would likely not offset the increased cost of administration.

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#### **ARTICLE 17 – Citizen Petition – Two-year building moratorium on multi-unit developments**

Submitted By: *Robert Richter, 38 Fellows Road*

To see if the Town will vote to amend the protective zoning bylaws of the Town of Ipswich adding the following: (Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.)

##### ***Section II. D. Building Moratorium - Multi-unit developments***

***No new building permits shall be issued for the construction of multi-unit developments consisting of three or more dwelling units in any zoning district in the town for a period of two years.***

*Summary: This temporary building moratorium for multi-unit developments. Ipswich is experiencing an unanticipated increase in the construction of multi-unit developments. Concurrently, the town is updating/revising several existing plans including: The Housing Plan, the Community Development plan, and the Water Neutral Development plan. The town needs to complete these comprehensive studies to allow its respective approval boards to fully evaluate the impact these proposed multi-unit developments have on the water, sewer, and roadway infrastructures; police, fire, and emergency public safety; the school district, and the safety of the general public. This Moratorium shall not apply to building permits for future phases of any project which has obtained all required permits and approvals (except building permits) prior to the effective date of this Bylaw.*

**Select Board Opposes: 3-2**

**Finance Committee Opposes: 9-0**

**School Committee Opposes: 7-0**

**Planning Board Opposes: 4-0**

**MOTION:** I move to amend the Ipswich Zoning Bylaw as set forth in Article Seventeen of the warrant for this town meeting.

**Planning Board Summary:** The Planning Board does not support this article as it conflicts with the Housing Production Plan currently being considered by the Board and Select Board for approval this Fall. The Board fully acknowledges the warranted concern about water supply but does not believe that a moratorium will contribute to solutions already being acted on through the Water Neutral Growth Plan and Infrastructure Prioritization planning being completed currently under the Tri-Board. Further, the Board believes that the proposed moratorium is unnecessary and would stifle needed housing development that is controlled by the Zoning Bylaw and would only allow 40B projects to be considered (40B projects would not be impacted by this article). The Planning Board, other boards and Town Staff have shown that they have the capacity to complete and implement plans without a building permit moratorium and are committed to doing so.

**This article requires a 2/3<sup>rd</sup> majority vote.**

**FinCom Synopsis:** The Finance Committee unanimously opposes this article. While members share the Petitioners' concern about the adequacy of Ipswich's water supply, the proposed moratorium, largely misses this target. New multi-unit developments account for a small proportion of the consumed water. The estimated 267 new units currently in the development pipeline for Ipswich, including both permitted and 40B units, would increase consumption by approximately 4.6%. While we recognize the severity of the water issues in town, we believe that addressing existing consumption, water infrastructure (we currently lose an estimated 17% of our supply through leaking pipes) and reservoir capacity would more effectively address the water issues. It is important to recognize that this moratorium would have no bearing on the 267 units currently in the pipeline including 40B projects while the town remains under 10% affordable housing. To this end, Town Leadership has identified 71 existing housing units that may qualify for inclusion in our affordable housing stock. If we are successful in designating these units as such, Ipswich would qualify for safe harbor based on the 2010 census. As such, members expressed concerns about the impact of a moratorium on the supply of market rate multifamily units, which typically house senior and younger residents. Finally, FinCom members noted the near-term capital needs of the town and the benefit of spreading those costs over the larger tax basis that comes with new growth.

**Fiscal Impact:** Passage of this article would indirectly impact taxes through the reduction in new growth.

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## **ARTICLE 18 – Remove Inclusionary Housing Payment-in-lieu-of Option for non-fractional Affordable Housing Units**

Submitted By: *Christopher Florio, 44 Fellows Road*

Change section IX.I.3.a - Multi-Family Residential Development of the VI. Protective Zoning Bylaw to read: (Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.)

“ii. For multi-family residential developments of fewer than ten (10) units requiring a special permit, the applicant shall, in consideration of such permit, provide either one (1) Affordable Housing Unit in accordance with 3. a. (i), 4., 5., and 6. of this Section I., ~~or pay a fee to the Town to provide affordable housing in Ipswich.~~

***If the fraction is less than one-half (1/2) of a dwelling unit, each tenth of the fraction shall require the payment of the unit fee*** The fee shall be calculated on a pro rata basis, and for developments of fewer

than ten dwelling units, the fee shall be \$10,000 per rental unit and between \$10,000 and \$25,000 per ownership unit, based on the formula in the “Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option”, adopted on June 19, 2008, as amended. The fee may be adjusted by the Planning Board from time to time through the issuance of guidelines or regulations. Such adjustments shall reflect both changes in the median contract price for newly constructed homes in the Northeast U.S., as reported annually by the U.S. Census Bureau, and changes in the maximum sales price for single-family homes developed for sale to households at or below eighty percent (80%) of Median Regional Household Income through programs administered by the Massachusetts Department of Housing and Community Development. (Amended 11/7/17 by STM; approved by AG 2/26/18)”

*Summary: These changes to the zoning bylaws will eliminate the Payment-in-Lieu-of Option for affordable housing units, with the exception of fractional units. With the current rule, large developments can be allowed to build housing without any affordable housing, allowing each development to move the town further from the 10% affordable housing target that allows the town control over large “40B” developments.*

**Select Board Recommends: RATM**

**Finance Committee Opposes: 9-0**

**Planning Board Opposes: 4-0**

**MOTION: I move to amend the Ipswich Zoning Bylaw as set forth in Article Eighteen of the warrant for this town meeting**

**Planning Board Summary:** The Town’s 2020-2025 Housing Production Plan, drafted and presented to the Planning Board and Select Board in September, includes the goal: “Strengthen the Inclusionary Zoning Provisions to promote unit production.” Thus, the Planning Board supports the intent behind this Citizen’s Petition and is committed to working with the Ipswich Housing Partnership, Affordable Housing Trust Fund Board, and Affordable Housing Program staff to achieve this goal; however, the Planning Board does not support this article as it is currently drafted. The proposed changes include conflicting language and may be deemed unimplementable. It is incumbent on the Town to carefully consider the ramifications of changes to the bylaw and include professional and legal guidance in its revisions. The Planning Board strongly supports measures that would help the Town achieve its 10% Subsidized Housing Inventory as quickly as possible but believes doing so must be done carefully and comprehensively. When it voted to not recommend this article, the Planning Board added language to its motion that the Board commit to directly look at issues related to the payment-in-lieu option.

**This article requires a 2/3rd majority vote.**

**FinCom Synopsis:** If passed, this article would remove a developer’s ability to make a payment to the town instead of building previously agreed upon “affordable units”. Passage of this article would also remove the funding source for the Town’s Affordable Housing Trust Fund which works with current qualified residents to make necessary repairs that would allow them to remain in their homes. While members share the Petitioners’ concerns about the effectiveness of the PILO program in delivering affordable housing or sufficient payments in lieu of, rather than eliminating the PILO, we recommend that we maintain the flexibility of the PILO and request that the Planning Board and Housing Partnership revise the payment schedule to financially favor the creation of affordable unit.

**Fiscal Impact:** Passage of this article would directly impact revenue into the Affordable Housing Trust Fund.

**EXHIBIT A**  
**STRATEGIC PLANNING WORKING GROUP**

In 2019 The Select Board created the “Strategic Planning Working Group” (SPWG) subcommittee.

Building upon information garnered from the capital asset needs assessment and the new “School Dude” Inventory Management System, The SPWG collected strategic business/project plans from the town’s departments, boards and subcommittees. Once compiled, the group synthesized and analyzed the data to provide community leaders and residents with a model to be used in future planning scenarios and infrastructure investment decisions.

The work of this group is intended to allow Town Leadership and Taxpayers to better assess, prioritize and appreciate our planning and capital investment needs by better understanding the costs, benefits and contingencies associated with each capital project. Having this information verified and readily available will support town management and taxpayers in making thoughtful and effective decisions within the resources available.

The Strategic Planning Working Group subcommittee has been meeting over the past eight months to review and understand the cost and timing of near-term capital and operating needs. After considering the cost/benefit of each project, debt service requirements, tax rate impact, and the sequencing of the investments; Tony Marino, Town Manager requested Sarah Johnson, Finance Director, to calculate the estimates needed to create a property tax impact model illustrating the impact of each of these investments on the future property taxes.

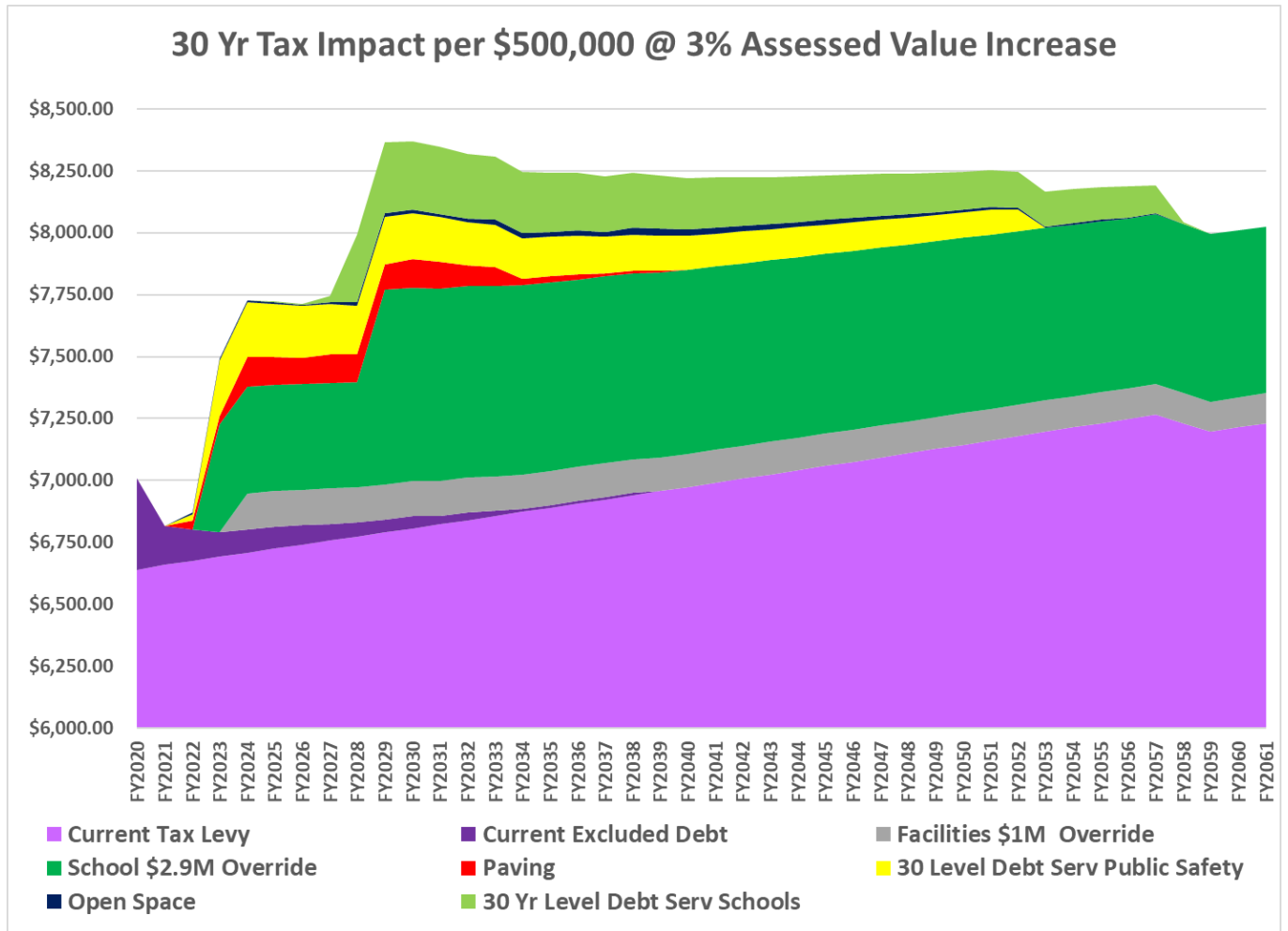
The capital needs identified and included in this 10 - 15 years horizon included:

• Public Safety Department – New Public Safety Building	- \$25.9M
• School Department – New Elementary School Building(s)	- \$40M
• Public Works Department – Major Road Projects	- \$8M
• Open Space Department - New Open Space Capacity	- \$2.5M
• School Department - School Operational Override	- \$5.8M
• Facilities Department - Town Operational Override	- \$1M
• Water Department – New/replacement Water Utility Systems	- \$66.1M
• Electric Department - Electric Utility Systems	- <u>None</u>
	\$149.3M

The chart on page 39 illustrates one example of how these projects could be staged and their corresponding impact on a \$500,000 home over the next 40 years.

On October 22, 2020, the Ipswich Select Board, School Committee and Finance Committee, along with all department management will have public tri-board meetings where a review of the details of each of the plans, and confirming of the timing and priorities of these town investments will be made.

These meetings will be available on ICAM and are open to the public, please join us, we want your opinion.



**EXHIBIT B**  
**CALCULATING TAX IMPACT OF THE ARTICLES**

As you consider each article, the tax impact on your home can be calculated by:

1. Take the amount proposed in the article, divide that number by the total assessed value, (see chart below)
2. Multiply that number by 1,000.
3. Take that number and multiply it by the assessed value of your house in thousands (\$450k house = 450).
4. This is the financial impact passage of that article will have on your tax bill.

The 2020 tax rate of \$14.02 per thousand is calculated by taking the current total tax levy of \$42,931,265 and dividing it by the Total Assessed Value of \$3,062,144,428 and multiplying by 1,000.

<b>Year</b>	<b>Total Tax Levy</b>	<b>Total Assessed Value</b>	<b>Tax Rate</b>
2003	19,337,325	1,690,325,594	
2004	20,133,878	2,110,469,355	9.54
2005	21,058,583	2,252,254,870	9.35
2006	22,471,570	2,466,692,773	9.11
2007	23,492,584	2,823,627,988	8.32
2008	24,867,182	2,694,169,183	9.23
2009	27,325,871	2,642,734,143	10.34
2011	29,056,294	2,421,357,836	12.00
2012	30,182,088	2,363,515,059	12.77
2013	31,028,800	2,332,992,495	13.30
2014	32,079,079	2,388,613,418	13.43
2015	33,395,623	2,471,918,744	13.51
2016	37,413,772	2,519,445,906	14.85
2017	38,692,666	2,726,755,947	14.19
2018	39,994,765	2,808,621,152	14.24
2019	41,595,267	2,952,112,631	14.09
2020	42,931,265	3,062,144,428	14.02

**EXHIBIT C**  
**TOWN OF IPSWICH MODERATOR'S GUIDE TO TOWN MEETING**  
***WELCOME TO TOWN MEETING!***

Following is a summary of the terminology we use and the process we follow during Town Meeting in Ipswich. For more information, see the Town Moderator's page on the town website.

**What is Town Meeting?**

Town Meeting is the foundation of Town Government, the purest form of direct democracy and fiscal responsibility. While the elected officials and appointed department heads supervise the day-to-day running of the town and schools, their authority extends only to managing employees and administering the expenditures approved by Town Meeting.

Ipswich has an Open, as opposed to a Representative, Town Meeting form of government; each registered voter has the right to be heard in a respectful and civil fashion and to vote on matters properly before the meeting. Open Town Meeting is the best insurer of liberty by giving the primary power to the citizens.

During a typical Town Meeting, voters approve the town's annual and supplemental budgets for schools and general government; vote on additional capital expenditures for equipment or buildings; authorize changes to zoning and other town by-laws; approve compensation for elected officials; buy, sell, or otherwise convey interest in land; and more. Most of the money a town spends is generated from the local property tax, though some comes from the state or special funds.

**What is the Warrant?**

The warrant is the list of topics, called articles, under which the proponents make motions for Town Meeting to act upon. It is set by the Selectmen and is "open" and "closed" for a set period well in advance of the meeting though they can reopen it any time before "posting" it. After review by the Finance Committee and Town Counsel, the Selectmen post the warrant shortly before Town Meeting which does not come to an end until we have addressed all of the matters listed on the warrant. Town Meeting only addresses issues within the "scope" of the articles on the warrant. A warrant for a meeting can have any number of articles and the amount of debate on each can vary widely.

**What about the Election?**

Although it is held at a separate place and time, typically at the YMCA one week following the start of Annual Town Meeting, the election is part of the Annual Town Meeting. There we elect town officials and vote on ballot questions such as debt exclusion or tax overrides. Some Town Meeting expenditures require both an affirmative vote under an article on the warrant for Town Meeting as well as by ballot.

**Who Participates in Town Meeting?**

**Voters:** Every registered voter in town is a legislator, with the power to participate in budgeting, allocating funds, and passing by-laws. During Town Meeting the voter's job is to listen, to ask questions, to offer arguments for or against the various issues – to deliberate – and to vote.

**Moderator:** An elected official who presides and regulates the proceedings at Town Meeting, decides all questions of order, and is responsible for declaring the votes. Our by-law requires the Moderator to follow the parliamentary procedures set out in *Town Meeting Time*, a handbook published by the



Massachusetts Moderators Association and used in many other towns. The Moderator has broad authority to accept parliamentary motions, regulate debate, and rule speakers in or out of order.

**Town Clerk:** Appointed by the Town Manager, the Town Clerk is responsible for maintaining town records, conducting elections, and recording the votes and actions taken at Town Meeting.

**Town Counsel:** A lawyer who represents the Town and attends Town Meeting to advise the officials and members on the proposed actions before the meeting.

**Finance Committee:** A nine-member committee appointed by the Moderator, Selectmen, and Annual Town Meeting, this advisory committee is responsible for investigating costs, maintenance, and expenditures of the different departments of the Town and to consider all articles on the warrant (except those providing for the election of Town officers). Its charge is to advise the Town Meeting on everything on the warrant.

**Board of Selectmen:** The Selectmen have a particularly important role before Town Meeting. They prepare the warrant, obtain legal opinions where needed, make recommendations on certain articles, collect recommendations from other boards and committees, and post the warrant. During Town Meeting itself, their role is the same as other boards and committees. They will often make the main motion under an article, offer information, particularly through their appointed standing or *ad hoc* committees, and may answer questions.

**Boards and Committees:** The other Town boards have jurisdiction over various areas including schools, planning and zoning, etc. Their representatives often make the main motion under an article, give special presentations, or supply information on matters under consideration. Each member of a board or committee can speak and vote independently as a citizen.

**Petitioners:** Not only Town officials can place articles on the Town Meeting warrant. Any ten voters have the right to petition the Board of Selectmen to put an article on the Annual Town Meeting warrant. This number increases to 100 for a scheduled Special Town Meeting and to 200 to petition the Board to call a Special Town Meeting.

Petitioners will offer the main motion on their article and may give a presentation or supply information. An article submitted by petition has the same status as other articles. To insure the best possible outcome, petitioners should contact the Town Moderator before collecting the necessary signatures in order to decide how best to word the article and to discuss other issues.

### **What Happens at Town Meeting?**

Articles are considered in the order in which they appear on the warrant, though an article may be taken out of order, on motion by anyone, if a majority so votes. Each article is taken up in a similar way.

**Motion:** First the Moderator asks for the “main motion” under an article, usually from the sponsor. The Moderator will then ask for a second. Voters should listen closely to the main motion since the vote and debate is on that, *not* necessarily the article; often the motion is the same as the article, but it may be different. The mover then takes the floor and offers background and reasons in support of the measure. The Moderator then asks for the recommendations from the Finance Committee and other reporting committees and then opens up debate.

**Debate:** After being recognized by the Moderator but before speaking, voters will state their name and address. Often speakers are recognized using “alternating microphones” designated “Pro” and “Con.” Any registered voter may speak to any article, ask questions, voice comments or criticism, or offer information. Remarks must be limited to the subject matter of the article and be civil and respectful of all members in the hall. Technically, all comments are directed to the Town Meeting through the Moderator.

Open and full debate is the hallmark of the New England Town Meeting. Most Massachusetts towns have formal or informal restrictions on how long and how often voters can speak on any article. Generally, presentations are limited to 5 minutes, though the Moderator may allow more time for more complicated matters (*e.g.*, annual budget or an override proposal); debate is limited to 3 minutes per person. Brevity is a virtue and voters are encouraged to offer only new points to the debate rather than repeat what others have said. That said, new speakers and new points of view are always encouraged.

**Scope or “Four Corners”:** State law provides that “no action shall be valid unless the subject matter thereof is contained in the warrant.” This is the source of the “four corners” rule: it limits the scope of motions and arguments to the subject matter of articles in the warrant. Anything “outside” the four corners would be unfair to discuss because it had not been in the warrant and therefore some people, not expecting it to come up, may not have gone to the meeting. This is for the Moderator to decide.

**Point of Order:** This term means somebody has a question about the conduct of the meeting (maybe she can’t hear, or another speaker isn’t entitled to speak, or the topic discussed is frivolous). Technically, it is not a motion so there is no need for a second or debate and someone *can* interrupt the speaker with this tool. The Moderator will decide the point without debate but will not entertain it simply to interrupt a speaker.

**Voting:** Most motions are decided by a simple majority. Some matters require a higher quantum of vote. For example, state law requires zoning by-law changes and transfers to and from the stabilization fund to pass by a two-thirds majority. Decisions can be made by a voice vote, a show of hands, or having voters stand while they are counted by tellers. The Moderator declares the outcome of a voice or show of hands vote. If seven people question the outcome, the Moderator will call for a count by tellers.

**Amendments:** Amendments can be offered to any motion being debated. To offer an amendment, a voter must present it to the Town Clerk in writing. The Moderator will recognize the person proposing the amendment, entertain debate, and put the matter to a vote. If before the meeting anyone anticipates proposing an amendment, it is wise to contact the Moderator and discuss the proposed amendment to be sure it is in proper form.

**Consent Calendar:** The Consent Calendar is an exception to the general rule of Town Meeting. These are items that the Selectmen expect will not engender significant controversy. They insert these matters on the Consent Calendar, unusually the first article on the warrant for the Annual Town Meeting, which usually pass with one motion and little if any debate.

At the call of the Consent Calendar, the Moderator will read out the numbers of the items, one by one. If anyone objects to any item, she simply says “Hold” after hearing its number. In that case the Moderator will put it aside and treat it as a separate article, to be debated and voted upon in the usual manner. After calling the items in the Consent Calendar, the Moderator will ask for a motion that the meeting

pass all items remaining on one vote. This process makes the Town Meeting more efficient by speeding up the handling of non-controversial items.

**Quorum:** Our by-law requires a quorum of 200 for any Town Meeting.

**Reconsideration:** Our by-law provides that a matter can only be reconsidered if it had been voted on in the same session (*i.e.*, same night) and in the discretion of the Moderator one of three things occurred: 1) there was a significant error in the language or process of the original action, 2) there had been a significant change in circumstance, or 3) reconsideration is in the Town's best interest. If so, and the meeting by a two-thirds majority wants to take up the matter anew, then the motion for reconsideration passes.

For more details, go to the Town Moderator's page on the Town website. It has useful information including a three-part series on the history of Town Meeting in Ipswich. Also available is a modern account of the duties and responsibilities of the players. For those who would like to present or speak at a meeting, they will find a general introduction to modern-day meetings, a step-by-step description of how to make a presentation or to speak at a meeting (Presenting and Speaking at Town Meeting), and the Moderator's requirements with suggested guidelines when using graphics (Use of Visual Aids at Town Meeting).

## EXAMPLES OF COMMON MOTIONS AT TOWN MEETING

Following are a few examples of motions one might well hear at Town Meeting:

***I move to amend the main motion under this article by\_\_\_\_\_.***

This is the most common motion. For example, if the main motion is whether or not to buy a new firetruck, someone might move to amend the main motion to limit the price to a certain amount of money. If it passes, we then decide whether to buy the firetruck up to that amount.

***I move the previous question:***

Another common motion: this means the person making the motion wants to stop debate, but the Moderator need not accept this motion. If the Moderator does accept it and it passes, that ends debate on the matter and forces a vote. Moving the "question" is not subject to amendment or debate and requires a two-thirds majority to pass; if it fails, debate continues. The Moderator will usually accept it unless both sides have not been heard.

***I move to refer this article to \_\_\_\_\_:***

Sometimes the question before the meeting needs more study. In that case, someone might move to refer the matter to a committee – either a standing committee such as the Finance Committee or to one to be appointed for a specific purpose, called an *ad hoc* committee. In that case, the motion must identify the committee (*e.g.*, one person appointed by the Selectmen, one person appointed by the Finance Committee, and one person appointed by the Moderator). It requires a second, it is debatable, and it takes a simple majority to pass.

***I move to lay the matter on the table:***

This motion, if passed, ends debate on the motion without action. It is not subject to debate or amendment and takes a two-thirds majority to pass. If it passes, and Town Meeting ends without the

motion being taken back off the table, the matter is dead. It will not automatically come back to life at the next Town Meeting; for that it would need to be included on the new warrant.

***I move to take Article \_\_\_\_ off the table:***

This motion, if passed, revives the debate on something that has been “tabled.” It cannot be debated or amended and takes only a simple majority to pass.

***I move to dissolve the meeting:***

This motion, if passed, ends the Town Meeting. Under our by-laws it is in order *only* when all articles on the warrant have been disposed of in some way (*e.g.*, pass, fail, or no action). It is not subject to debate and requires a simple majority to pass.

*Rev: April 6, 2015*

## **GLOSSARY OF TERMS**

**AVAILABLE FUNDS** – See Unencumbered Funds

**CHERRY SHEET** – Cherry-colored form showing state and county charges and reimbursement to the Town as certified by the State Director of Accounts.

**ENTERPRISE FUNDS** – Funds that account for all revenues and expenditures for services and allow surpluses to be used to reduce user fees for the services or to pay for capital improvements. Each fund has an independent budget. Losses are made up from the Town’s general fund.

**FISCAL YEAR** – July 1 through June 30.

**FREE CASH** – See Unencumbered Funds

**OPEB** – Other Post-Employment Benefits, which include health and life insurance for retired town employees

**OVERLAY** – Funds set aside to cover abatements and exemptions. The amount is determined by the Board of Assessors.

**OVERLAY RESERVE** – Unused accumulated amount of Overlay for previous years that is not required to be held in a specific Overlay account for a given year. Once released by the Board of Assessors the funds may be used for any municipal purpose.

**RESERVE FUND** – A fund established in the Municipal Operating Budget. It is under control of the Finance Committee, which may authorize transfers for extraordinary or unforeseen expenditures.

**STABILIZATION FUND** – A special account created to provide a reserve for the Town.

**SURPLUS REVENUE** – The total amount of cash, accounts receivable, and other current assets that exceed liabilities and reserves.

**UNENCUMBERED FUNDS** – The amount of surplus revenue, minus uncollected taxes of prior years. Unencumbered funds must be certified by the State Bureau of Accounts before they can be used. Also known as Free Cash or Available Funds.